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C O N F I D E N T I A L SECTION 01 OF 03 KUALA LUMPUR 001458

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KJUS](#) [MY](#)
SUBJECT: MALAYSIA'S LAWYERS TAKE TO THE STREETS OVER
JUDICIAL CORRUPTION

REF: A. KUALA LUMPUR 1446 (VIDEO OF JUDGE FIXING)

[1](#)B. KUALA LUMPUR 1377 (POLICE BREAK UP OPPOSITION
RALLY)

Classified By: Political Section Chief Mark D. Clark for
reasons 1.4 (b and d).

Summary

[1](#)1. (C) With limited government response to the September 19 allegations of corruption and judge fixing (ref A), the Malaysian Bar Council announced its intent to march on the Prime Minister's office and demand the establishment of a royal commission of inquiry. Malaysia's law minister quickly defended the judiciary and castigated the Malaysian Bar for siding with the opposition. In an effort to diffuse protest actions, Deputy Prime Minister Najib Razak announced the appointment of an "independent panel" to investigate the veracity of the now infamous VK Lingam tape. Malaysian Bar members remained unsatisfied with the appointed panel and claimed it fell short of what was really needed to restore credibility to the judiciary. On September 26, some 2000 lawyers gathered in Putrajaya, defying police road blocks, and marched on the Prime Minister's office and demanding the appointment of a royal commission of inquiry. Bar council leaders confide that they do not expect much action on the issue and only expect that the government will have to deny the Chief Justice's contract extension. The public protest of so many professionals is a startling development in Malaysia's staid political environment, and gives the opposition a boost, with the likely effect of pushing back the date for the national elections. End Summary.

Bar Accused of Supporting the Opposition

[1](#)2. (U) Following the September 19 release of the now infamous VK Lingam video tape (ref A) the Malaysian Bar Council began calling for the establishment of a royal commission to investigate the claims of judge fixing and endemic corruption within Malaysia's judiciary. Chief Justice Ahmad Fairuz made no immediate rebuttal of the publicized charges. While the issue brewed in the press and in the greater legal community, the Chief Justice waited two days before faxing a letter to the online news portal Malaysiakini merely stating he had "no comment." Lacking an adequate GOM response, Bar Council President Ambiga Sreenevasan announced on September 22 that the Bar would sponsor a demonstration on September 26 styled a "March for Justice" to petition the Government to establish a Royal Commission to investigate the judiciary. In announcing the demonstration, Ambiga stated: "We have gone from one crisis to another since the 1988 judicial crisis. It is time to confront fully and completely all the issues that have arisen since then with a view to strengthen the

administration of justice."

13. (U) As word of the pending demonstration spread, de facto law minister and Minister in the Prime Minister's Department Mohd Nazri Abdul Aziz took to the Chief Justice's defense. Nazri announced to the press that he had received a phone call from Fairuz denying his participation in the alleged phone conversation. Nazri chided the media for "rumor mongering" in giving widespread attention to the release of the tape by Peoples' Justice Party leader Anwar Ibrahim. He also attacked the Bar Council for planning a demonstration. "Lawyers are officials of the court; they have a place in society. They shouldn't behave like the opposition," Nazri said. "Why do they want to lower their standard, unless they want to show they are hostile (to the government) and (that they) support the opposition," he concluded.

14. (U) In an open letter to the press, Bar Council President Ambiga Sreenevasan quickly responded to Nazri's attack against the Bar. "The Malaysian Bar stands up for justice," she wrote. "It is non-partisan and only issue oriented. Justice is for all people, regardless of political persuasions. The present situation is a matter of justice, not politics. The expression of views seemingly contrary to the government's position may be wrongly labeled as 'a display of hostility; in autocratic countries, but in truth (and in the free world) it is called democracy.'" Ambiga reiterated the Bar's plans to hold the demonstration and called the "independence of the Judiciary" an ideal which the Bar must "cherish and be prepared to stand up for."

Government announces appointment of independent panel

15. (SBU) In an apparent attempt to preempt the Bar Council's
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"March for Justice" and calls for the establishment of a royal commission of inquiry, Deputy Prime Minister Najib Razak announced on September 25 that the government had appointed a special independent panel to investigate the authenticity of the tape. Najib announced that the three-member panel would consist of former Chief Judge of Malaya Haidar Mohd Noor, National Service Council chairman Lee Lam Thye, and former Court of Appeal judge Mahadev Shankar. Local commentators immediately mocked the appointment of the panel. As one senior lawyer explained, "Haidar was involved in the 1988 judicial crisis. Lee has no legal training. Shankar served under Tun Eusoff Chin (former Chief Justice accused of similarly conspiring with lawyer VK Lingam) and also in the Royal Commission of Inquiry on the black-eye incident involving the former Deputy Prime Minister, Datuk Seri Anwar Ibrahim which only implicated the then Inspector General of Police, Tan Sri Rahim Noor, but took no action against police officers who were present at the time the former IGP Ramli assaulted Anwar."

Observers criticize government's "independent" panel

16. (SBU) Opposition parties naturally took issue with the Government's response and complained that the panel was too limited in scope and did not have full powers to summon witnesses. Parliamentary opposition leader Lim Kit Siang joined the Bar Council in calling for a royal commission "to conduct a full and comprehensive investigation to restore public confidence in the judiciary." Anwar's wife, parliamentarian Wan Azizah Wan Ismail agreed: "a Cabinet-appointed panel with no actual legal power to do investigation lacks the ability to properly investigate the scandals exposed by the video or the video itself."

17. (SBU) Ambiga commented that the Bar welcomed the government's move to set up an independent panel to look into the Lingam tape, but stated the appointment fell short of what was needed. "This shows that the government recognizes

that there is a problem. However, we still want a royal commission of inquiry."

"Permits are for wimps"

¶8. (C) As the Bar continued its preparations for Wednesday's "March for Justice," poloffs asked Bar Council vice-president Ragunath Kesavan on September 24 if the Bar had secured a permit from the police to hold their demonstration, given the recent events in Terengganu (ref B). Without skipping a beat, Ragunath responded, "permits are for wimps." Ragunath announced the Bar Council would charter buses from Kuala Lumpur to Putrajaya and that numerous NGOs had pledged to join in support.

"I am here for my grandchildren"

¶9. (SBU) On Wednesday morning, September 26, lawyers from around Kuala Lumpur and from as far away as Johor and Penang began to assemble on the steps of the Palace of Justice in Putrajaya to begin the "March for Justice." Police set roadblocks along all the major exits leading to Putrajaya, and eventually stopped seven bus loads of lawyers from entering the administrative capital. Undeterred, the lawyers unloaded the buses and began walking into town to participate in the demonstration. Bloggers had styled the demonstration the "Black and White March" after the typical dark suits and white shirts traditionally worn by Malaysian attorneys, and many prominent bloggers joined in solidarity with the Bar Council. Poloffs overheard one blogger asking an elderly woman attending the demonstration if she was a lawyer. "No, I am not here because I am a lawyer," she replied, "I am here for my grandchildren."

"When lawyers walk something's wrong"

¶10. (SBU) Delayed but not deterred by the police road blocks, lawyers and activists trickled into Putrajaya. Many were ferried from the stopped buses to the assembly area by those who brought their private vehicles. Despite the presence of riot police and police warnings that the group would not be allowed to march from the Palace of Justice to the Prime Minister's office, some 1500 meters away, the crowd of black and white grew to nearly 2,000 supporters, most in suits and ties. At 12:00 noon, Ambiga took a bull horn and announced: "We walk peacefully and with dignity." She commented at how proud she was of the number of lawyers who turned up and declared that the demonstration was indeed "a walk for

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justice" as Malaysia deserved "a first class judiciary." "When lawyers walk," she added, "that means there is something wrong."

¶11. (SBU) Unwilling to exacerbate the situation, the police relented and some 2,000 people walked along the main boulevard to the Prime Minister's Office. Riot police and the police water cannon rolled in trucks along side and eventually deployed in front of the PM's office, and despite the constant buzzing of a police helicopter there was never any threat of police interference nor of violence among the demonstrators. Many demonstrators carried banners or placards saying "Save the Judiciary," "Stop the Rot," "Say no to corruption," and "The People are the Nation's Judge," but most simply walked in their white shirts and dark suits.

¶12. (SBU) Eventually Ambiga, Ragunath and two other senior Bar Council members were allowed to enter the Prime Minister's Office and deliver their petition to PM Abdullah's political secretary Wan Farid. (Abdullah was out of the country for the UN General Assembly in New York.) Despite a heavy rain that set in after the crowd reached their destination, over 1,000 demonstrators remained on the main

square until the delegation returned from their meeting.

Malay lawyers stay away

¶13. (SBU) Many observers recognized and lamented to poloffs that the majority of those attending the march were non-Malays. Muslim lawyer and social activist Latifah Koya told poloffs that the UMNO sponsored Malaysian Muslim Lawyers Association had initially sent out a notice to its members not to attend the march. But, she added, "it is encouraging to see at least 10 per cent of those who turned out were young Malay lawyers."

Comment

¶14. (C) Despite government attempts to diffuse this most recent judicial crisis, it has not slipped quietly out of the news. The Bar Council's leadership has confided in us that they clearly do not expect the government to appoint a royal commission, and they, too, expect the government to simply not extend Fairuz's contract as Chief Justice. Nevertheless, the government has clearly been forced to devote more attention to this matter than would have been preferred, and the impact may be felt in a push back in the date for the national election. Opposition parliamentarians told us that elections seem less likely to happen before the New Year, as Abdullah's government will necessarily have to circle the wagons and appear to be more proactive in addressing corruption.

¶15. (C) The peaceful marching of some 2,000 lawyers and their supporters in Malaysia's administrative capital to protest judicial corruption may not seem significant by regional standards, but it is a startling event in Malaysia's recent staid political history for professionals to take to the streets in such numbers. We can anticipate the political opposition, which is struggling for focus and a means to reach the voters, will try to take full advantage of this public display of protest, even while the Bar Council approaches the issue as a matter of justice, not politics.

KEITH